

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**MACARTON N. PIERRE,**  
**Plaintiff,**

**V.**

**NURSE GARCIA,**  
**Defendant.**

**C.A. No. 23-269 Erie**

**District Judge Susan Paradise Baxter**  
**Chief Magistrate Judge Richard A. Lanzillo**

# MEMORANDUM ORDER

Plaintiff Macarton N. Pierre, an inmate incarcerated at the State Correctional Institution at Greene in Waynesburg, Pennsylvania (“SCI-Greene”), initiated this *pro se* civil rights action on September 12, 2023, against Defendant Nurse Garcia, a nurse employed at the State Correctional Institution at Albion, where Plaintiff was formerly incarcerated. This matter was referred to Chief United States Magistrate Judge Richard A. Lanzillo for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

In his *pro se* complaint, Plaintiff alleges that Defendant acted with deliberate indifference to his serious medical needs in violation of the eighth amendment to the United States Constitution. Plaintiff alleges that he has a genetic eye disease called “stigmatic glaucoma” that “causes progressive blindness,” for which he wears prescription eyeglasses. After his eyeglasses were allegedly destroyed by prison guards, Plaintiff claims that he was denied replacement eyeglasses and optometry services during the months of May and June 2023, which caused him to suffer blurred vision and eye pain.

On January 11, 2024, Defendant filed a motion to dismiss [ECF No. 15], arguing that

Plaintiff failed to exhaust his administrative remedies and, alternatively, has failed to state a claim upon which relief can be granted. The motion was fully briefed by the parties.

On August 1, 2024, Chief Magistrate Judge Lanzillo issued a report and recommendation (“R&R”) recommending that Defendant’s motion to dismiss be denied [ECF No. 24]. In particular, Judge Lanzillo found that a more developed record is required to determine whether Plaintiff exhausted his administrative remedies and that the complaint alleges sufficient facts to state a plausible Eighth Amendment claim of deliberate indifference. The time for filing objections to the R&R expired on August 19, 2024, and no objections have been received from either party.

Thus, after de novo review of the complaint, Defendants’ motion to dismiss, and Plaintiff’s opposition thereto, together with the report and recommendation filed in this case, the following order is entered:

AND NOW, this 20th day of August, 2024;

IT IS HEREBY ORDERED that Defendant’s motion to dismiss [ECF No. 15] is DENIED. The report and recommendation of Chief Magistrate Judge Lanzillo, issued August 1, 2024 [ECF No. 24], is adopted as the opinion of the Court.

  
SUSAN PARADISE BAXTER  
United States District Judge

cc: The Honorable Richard A. Lanzillo  
Chief United States Magistrate Judge